IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.5214 OF 2005

Amar Sawant ...Applicant
Vs.
The State of Maharashtra ...Respondent

Shri. J.P. Shah i.by A.S.Khan & Associates for the Applicant.
Ms M.M. Deshmukh, A.P.P. for the Respondent.

CORAM : A. S. OKA, J.
DATE : SEPTEMBER 08, 2005.

P.C.:

1. Heard the Advocate appearing for the Applicant and the learned A.P.P. for the State. Perused the earlier order date 29th August, 2005 passed by this Court. By the said order, this Court has already held that there was justification for the learned Sessions Judge to direct deposit of cash amount of Rs.06,99,571/-. This Court also observed that the direction given by the Sessions Court to the Applicant to give an undertaking is not legal and proper.

2. The Advocate appearing for the Applicant has stated that a sum of Rs.3,00,000/- is deposited in cash by the Applicant in this Court on 02nd September, 2005. He stated that the Applicant is at present not in a position to deposit the balance payment of Rs.03,99,571/- and he can deposit the said amount within a period of twelve weeks from today if he is enlarged on bail.

3. The Applicant has shown his bonafides by

depositing the sum of Rs.03,00,000/- in this Court. In my view, time deserves to be granted to the Applicant to deposit the balance amount as prayed.

4. Hence, Application is disposed of by passing the following order: : O R D E R : i) The Applicant shall be enlarged on bail in connection with **C.R.No.38 of 2004 registered with Economic Offence Wing, Crime Branch, CID, Mumbai**, subject to furnishing a bond of **Rs.50,000/- with a surety or cash in the like amount** on condition that he deposits a further amount of Rs.03,99,571/-(Rupees Three lacs Ninety Nine Thousand Five Hundred and Seventy One) with the Registrar of the Sessions Court, Mumbai within a period of twelve weeks from today.

ii) If the Applicant fails to deposit the balance amount of Rs.03,99,571/- within the stipulated time, the Respondent-State will be at liberty to take out a appropriate Application including Application for cancellation of bail.

iii) The Bail is granted subject to condition that the Applicant will co-operate with investigation and will attend the Economic Offence Wing, Crime Branch, C.I.D. Mumbai as and when called upon to do so till the filing of the chargesheet.

iv) The sum of Rs.03,00,000/- deposited by the Applicant in this Court shall be transferred to the Sessions Court at Mumbai.

v) It is made clear that condition regarding giving undertaking in order dated 15th July, 2005 will not apply.

vi) The Bail is granted subject to condition that the Applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

vii) The Applicant shall co-operate with the learned Trial Judge for expeditious disposal of the trial. Any attempt by the Applicant to delay the trial may be a ground for cancellation of bail.

viii) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

ix) Application is disposed of in above terms.

x) The parties to act upon an authenticated copy of this order.

JUDGE